

## Components of a Comprehensive Policy for Employee Use of Social Media

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## CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

Signed: \_\_\_\_\_

### Abstract

The problem is that the Chino Valley Fire District does not have a policy to define and regulate appropriate use of social media for personnel. Recent employee social media activity has not reflected well on the organization.

The purpose of this research is to identify the elements that should be included in a policy that provides guidelines for the appropriate use of social media for personnel of the Chino Valley Fire District.

1. What policies or procedures to regulate the use of social media are being utilized by other fire departments or public safety agencies?
2. How do other public safety agencies monitor employee use of social media?
3. What are the elements of a policy that provides protection to the Chino Valley Fire District without infringing on employees' freedom of speech?

Descriptive research will be utilized to identify the necessary elements of a policy that will define and regulate the appropriate use of social media for personnel of the Chino Valley Fire District. Research question number one will be answered through literature review and a questionnaire. Research question number two will be answered through literature review, and a questionnaire. Research question number three will be answered through literature review and an interview.

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## Components of a Comprehensive Policy for Use of Social Media

### Introduction

The widespread access to and use of social media has presented tremendous opportunities, challenges and liabilities to employers, especially public agencies. The speed at which the sharing of news and information occurs has increased exponentially as technology has changed. Not too long ago news was delivered the day after it occurred in the newspaper or perhaps as early as the evening news if it was really significant. With the technology that exists today news and information is shared almost instantaneously. Although there are significant benefits that come with access to social media there are also a number of issues that present challenges to employers.

Information that is shared on social media can and does extend beyond the intended target audience. Once information is posted it can be shared globally in a very short time. The problem is that the Chino Valley Fire District does not have a comprehensive policy to define and regulate the appropriate use of social media for personnel.

The purpose of this research is to identify the elements that should be included in a policy that provides guidelines for the appropriate use of social media for personnel of the Chino Valley Fire District. Descriptive research will be utilized to identify the necessary elements of a policy that will define and regulate the appropriate use of social media for personnel of the Chino Valley Fire District.

1. What policies or procedures to regulate the use of social media are being utilized by other fire departments or public safety agencies?

2. How do other public safety agencies monitor employee use of social media?
3. What are the elements of a policy that provides protection to the Chino Valley Fire District without infringing on employees' freedom of speech

### Background and Significance

The Chino Valley Fire District (CVFD) is a career organization that provides fire, rescue and EMS services to the cities of Chino and Chino Hills in southern California. The fire district is situated on the western most portion of San Bernardino County approximately 35 miles east of Los Angeles. The CVFD provides services to a population of about 160,000 people in an 80 square mile service area.

The city of Chino demographics show 53.8% Hispanic, 27.8% White, 10.5% Asian, 6.2 African American and the remaining percentage indicating "other". 78.2% of the residents have completed High School and 20.7% have a Bachelor's Degree or higher. The median annual household income is \$71, 671. (Chino quick facts, 2010)

The city of Chino Hills demographics show 33.4% White, 30.3% Asian, 29.1% Hispanic, 4.6% African American and the remaining percentage indicating "other". 92.3% of the residents have completed High School and 43.0% have a Bachelor's Degree or higher. The median annual household income is \$97, 065. (Chino Hills quick facts, 2010)

The roots of the CVFD can be traced back to 1895 when the town established the first volunteer fire company. Later, the Chino Rural Fire Department was established in the early 1900's and transitioned to the Chino Valley Independent Fire Protection District in 1990 by a vote of local residents. Over the last thirty plus years the local area has grown substantially,

transitioning from a semi-rural farming community to a robust community that has a variety of residential, industrial/commercial, retail sales, agricultural use and wildland urban interface.

The CVFD is governed by an elected board of directors and funded by property taxes with an annual budget of about \$30 million dollars. Emergency response services are provided out of seven fire stations where personnel staff seven Advanced Life Support (ALS) Paramedic Engine Companies, one ALS Truck Company and a duty Battalion Chief. Annually the personnel from CVFD respond to about 9,500 calls for service. Additional non-emergency services are provided out the main Administration Building located in Chino Hills. All suppression personnel are trained to a minimum level of Emergency Medical Technician (EMT-1) with 72 personnel being trained to the Emergency Medical Technician-Paramedic (EMT-P) level. The CVFD provides fire, rescue, ALS and Basic Life Support (BLS) level care, Urban Search and Rescue, Hazardous Materials response, and wildland/urban interface fire suppression.

Daily emergency response staffing consists of thirty-three personnel providing services out of seven fire stations working 24 hour shifts; there are an additional six suppression personnel assigned to administrative forty hour positions, in total there are 105 suppression personnel. Fire Prevention is staffed by nine uniformed personnel and a support staff of four personnel. As the CVFD is a fire district we are responsible for many support functions that a city normally provides to a municipal fire department such as vehicle/apparatus maintenance, facility maintenance, procurement, payroll, finance and human resources. These functions are performed by an administrative staff of 14 personnel bringing the total number of personnel to 132.

In addition to paid employees, the CVFD has approximately 35 young people that serve the organization and the community through the Boy Scouts of America as Fire Explorers. As previously mentioned the CVFD is governed by a Board of Directors. The Board of Directors is comprised of five members of the public which are elected officials. In total between career, elected and volunteers the CVFD has 172 personnel.

We recently completed the transition from hard copy printed to digital electronic for all documentation for the meetings of our Board of Directors. With this change we began providing a stipend that is intended to cover the costs of an iPad and data plan for the Directors and Executive Staff. The Directors all have fire district email addresses that are listed on our website. Some members of the public have the expectation that the Directors will have specific information about emergency incidents that have occurred. Several months on a Friday night I received a text message from one of the Directors inquiring about an incident that was occurring at a local park. The Director had been contacted by a member of the City Council that was demanding to know what had occurred at the park as there was a post on Facebook about a young boy dying. After looking into the incident I determined that a citizen had taken a picture of our personnel treating the patient and posted that picture, the inquiry I received was taking place in close to “real time”, the patient was still in the process of being transported to the hospital. The speed at which information is shared via social media makes it very challenging to attempt to make timely notifications that provide elected officials with pertinent information while protecting the rights of our patients.

Organizationally we have embraced the use of social media with our Public Information Officer (PIO) managing Fire District accounts on Facebook, Twitter, Instagram and YouTube. While the use of social media has been a positive one for the organization as it allows us to share



information with the citizens of our community it has all been instituted without a single policy or procedure in place. The PIO has never received direction as to what is appropriate to post or how to address questions or concerns that may be raised via social media.

The vast majority of our personnel have access to or utilize social media on a regular basis. There have been a number of instances where personnel have made comments or posted photographs on social media sites that have not portrayed the organization in a positive manner. Although no formal disciplinary action has been taken as of yet some personnel have been warned that their actions involving social media are inappropriate and could subject them to discipline if they continue. When approaching personnel involved in these cases the usual reaction that we receive is that they believe they are protected by the First Amendment and we are attempting to violate their First Amendment Rights. Without our organization having a policy that is specific to social media use we are creating an environment where what is acceptable and appropriate is left up to interpretation by the individual involved. The challenge for the CVFD is in establishing parameters as to what is appropriate, legal and within the rights of the individual while protecting the reputation of the organization and the fire service as a whole.

With ever evolving changes to technology, the access to and use of social media will become even more widespread. It is unrealistic for us to expect our personnel to operate with decorum and good taste without clearly defining expectations and having a policy in place. Without a policy that is clear, concise and specific it is only a matter of time until the CVFD experiences a significant issue related to the posting of information on a social media site. When this occurs it will not only reflect poorly on the organization, it may also expose the organization to litigation.

The Executive Development course of the Executive Fire Officer Program focuses on challenges of leadership, one of the key elements of the course is recognizing when you have an adaptive challenge. The problem of the CVFD not having a comprehensive policy to address the use of social media is an adaptive challenge. One of the goals established by the United State Fire Administration is to improve the fire and emergency services' professional status, not having a social media use policy in place clearly conflicts with this goal.

### Literature Review

Literature review was conducted to identify policies or procedures that regulate the use of social media that are being utilized by fire departments or other public safety agencies, how do other public safety agencies monitor employee use of social media and what elements should be included in a social media policy to provide protection to the employer without infringing on employees' freedom of speech. Merriam-Webster Dictionary defines social media as "forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content." (Social media, 2014) . Wikipedia defines social media in this way, "Social media is the social interaction among people in which they create, share or exchange information and ideas in virtual communities and networks." (Social media, 2014)

The use of social media is so prevalent and widespread you would be challenged to be in a public place and not see someone using their phone to access social media. The advent, pricing and availability of the smartphone have made the use of social media far more prevalent and accessible than it was just a few years ago.

The literature concludes that social media can be a very effective tool for directly disseminating information to the public rapidly or bringing attention to a cause at little or no cost to the organization. Social media can and does have a very positive impact on public safety agencies by providing a venue where information can be shared directly to the public without having to rely on others to share the information. (Dodson, 2012) The message can be delivered without concerns about how a reporter or editor will manipulate the information to frame the story in a different manner. The literature also demonstrates that it is common place for employees to participate in the use of social media. Given the widespread and frequent use of social media and the availability of access that is provided by smartphones it should not be a surprise that public safety employees have access to social media sites while on duty, some of those employees may interact in a manner that does not reflect well on their organization.

Having a social media policy in place is old news for most for-profit organizations. When MySpace first took off several years ago as the baby of social media family, proactive companies developed a policy to protect themselves, as well as their employees, assets, brands-and reputations. These days, one wrong click of the mouse and a company's reputation that took years to develop could be completely destroyed. But municipalities-and most specifically, public safety agencies have been slow to get wired. (DeCrane, 2010)

The use of social media by businesses has grown exponentially, many use it to promote the business or build their brand with consumers. The Chief Marketing Officer from Kodak provided the following explanation regarding the benefits of social media:

Why do I take the time to use social media like Twitter and Facebook? Because in today's media landscape, it's vitally important to be where our customers are. Kodak has always

embraced this marketing philosophy, and today that means being active in social media. The exciting thing about social media is it offers the opportunity to engage in two-way conversations with your customers. What better way to know how to best serve your customers than to hear directly from them? Social media has enabled new ways to initiate conversations, respond to feedback and maintain an active dialogue. (Kodak, 2009)

The business community has embraced the use of social media; while risks exist the benefits far outweigh them. Taking steps to prevent employees from utilizing technology that they are comfortable with and frequently use in their daily lives can have a detrimental impact on productivity and morale. (Chi, 2011) As a whole, public agencies used to approach the use of social media with a “wait and see” attitude. The use of social media has become so pervasive that the question is no longer should public agencies use social media, the question is how do public agencies maximize the benefits of social media while minimizing the risks? Public agencies and government in general view social media as a tool to distribute information to the public at large. (Estes Cohen, 2014) The use of social media is global; other countries have been quicker to realize the benefits provided by interacting in the social media forum with the community.

Community police forces in Britain have taken social media to heart as a means of better policing and communicating with the citizens of their areas. The North Wales police force’s website describes the ways they use Facebook, Twitter and YouTube to give locals an alternative way to source the latest news appeals and information real time. (Social media, 2014)

For many administrators of public agencies one of the biggest challenges has been how do you create policies or procedures that protect the agency without infringing on employee's freedom of speech? Some might argue that when a public employee is not at work they are no longer representing that agency but it is often difficult to totally separate the individual and their actions from the organization. In reference to a social media policy, Bill Greeves, the Chief Information Officer of Wake County was quoted as saying:

The County acknowledges employee rights to privacy and free speech that may protect online activity conducted on personal social networks. However, what is published on such personal sites should not be attributed to or reference the County and should not appear to be endorsed by or originating from the County. Employees that choose to list their work affiliation or reference their employment with the County in any way on a social network should regard all communication on that network as if it were a professional network. (Wood, 2013)

Challenges to the use of social media exist beyond the borders of the United States of America. Recently three Toronto firefighters were terminated due to violating city policy on social media. Two of the firefighters were terminated over what was deemed to be inappropriate tweets on Twitter while the third was terminated over a posting on Facebook. Stephan Powell, representing the Toronto Fire Department said "After an extensive investigation Toronto Fire fired three firefighters after an investigation that uncovered several breaches of the city's policy on the use of social media. We found a pattern that clearly violated these policies." (Kuitenbrouwer, 2013) Although the firefighters in questions are not American citizens and not subject to First Amendment protection the case is still relevant as the merits are based on violation of policy.

In 2010, a Georgia firefighter shot video footage of a vehicle collision scene with his personal cell phone. Unfortunately the young driver of the vehicle was killed in the incident and the graphic images of her body were captured on video by the firefighter. The video was shown to other fire department personnel and ultimately provided to some of them. While at a bar one of the firefighters sent the video to some of the other patrons via a text message. Within a short time the video was on over 800 websites and was eventually seen by the victim's parents. An investigation ensued and ultimately the firefighter was terminated. The victim's father, Jeff Kempson said this about what took place "We had precious memories and we're trying to heal from her death. But once this video come out, I can tell you it's just tormented me but severely tormented my wife." (Firefighter dismissed over car crash video, 2010). While the firefighter was terminated the cause was not specific to capturing video or even posting it, he was terminated for making misleading and false statements and conduct unbecoming of a public employee.

While most public agencies have recognized the benefits of utilizing social media others attempt to limit potential exposure by implementing rigid policies. In 2012, Lloyd Ayers, Fire Commissioner for the Philadelphia Fire Department issued a three page social media guideline that some believe infringes on employee freedom of speech. The guideline included "an explicit prohibition on posting anything that may bring a member's or the department's reputation into question." (Dunn & Jericka, 2012). The Union Chief, Bill Gault, believes that as the restrictions govern off-duty activities they infringe upon the firefighter's freedom of speech. Although this may seem to be a rare example of an overreaching policy it is not, another large fire department implemented a strict policy as well.

The Baltimore Fire Department has implemented a strict new social media policy outlining what firefighters can post on Twitter, Facebook and personal blogs-drawing criticism that the department is trampling on First Amendment rights. Under the policy, department personnel can be reprimanded for anything they write online about their job that doesn't adhere to conduct rules, which require good judgment and respect to the public and to fellow employees. (Rector, 2012)

The literature reflects the challenge of balancing the protection of the agency or entity and the employee's freedom of speech. While all Americans have the right to freedom of speech as provided by the First Amendment, defining that freedom within the context of the role of the employee is difficult. Our founding fathers could never have envisioned the society and world that we live in today as it intersects with technology.

Social media has fundamentally changed the way we communicate and impacts almost every part of our lives, from personal, to professional, to commercial. This poses special challenges for employers and gives rise to interesting legal issues as courts attempt to apply long-established precedent from the non-digital era to the Internet age. In dealing with social media issues, judges are asked to make decisions based on statutes that can never keep up with technology. In some case, those same judges have no understanding of the technology themselves. (Thalacker & Miller O'Mara, 2012)

According to Fiorenza, (Fiorenza, 2012) public agencies do have the ability to restrict their employees from speaking out against the employer unless specific thresholds are met. For the employee to be afforded protection by the First Amendment the speech must address a matter of public concern and show that their free-speech interests outweigh the efficiency interests of their

employer. For the employer to take issue with the employee's speech it must impair discipline or harmony among co-workers, have a detrimental impact on a close working relationship in which loyalty and confidence are necessary and interfere with the normal operation of the employers business.

While the review of literature offered a tremendous number of examples of the negative aspects of social media use it also touted the positive impact that it can have on the public and the organization. Social media is a cheap, effective tool for communicating with the community at large and the risks are far outweighed by the benefits. The clear, underlying message that was conveyed in the literature pointed to the need for a policy that is well written, comprehensive and understood (How the public sector is finding its social media voice, 2014). Additionally, the literature points to the importance of sharing the rationale for the policy with personnel. Broadening the perspective of personnel and explaining how their actions could put themselves or the organization in jeopardy is important, it equips employees to make sound decisions.

Social media will continue to evolve and become an even more integral part of our daily lives. The exchange of information will take place at an even faster speed than it does today, expectations will continue to change and public agencies will be forced to provide information in a much timelier manner than we do today. Without policies and procedures in place to define the appropriate use of social media, both on duty and off duty, we will continue to expose the organization to undue liability. This liability is not only financial, our reputation and the reputation of the fire service as a whole is based on the actions of just a few individuals. We are obligated to create an environment for our employees where they are free to express themselves within certain parameters while protecting the privacy of the public and representing the organization in a professional manner.



## Procedures

Research on this topic commenced in March 2014 at the National Fire Academy in Emmitsburg, Maryland. The researcher attended the Executive Development course from March 10 through March 24, 2014. The initial stages of research began at the Learning Resource Center (LRC) on the National Fire Academy campus with the assistance of LRC staff.

Upon returning from the course the researcher completed the Applied Research Proposal form and submitted it to the assigned evaluator. Feedback and approval were promptly received. Research on this topic was conducted electronically through mid-July mainly using remote access to the LRC and internet search engines. Terms used on search engines included “social media and the fire service”, “social media and public safety”, “poor social media behavior by public employees”, “best practices” and “policies for social media”, “fire department policies on social media” and “fire department procedures for social media use”. The results of these searches provided a wide variety of literature for review.

As part of the California Special Districts General Manager Leadership Summit held on June 22-24, 2014 in Olympic Valley, California there was a breakout session entitled “Social Media and Local Government: Basic Rules to Minimize Your Agency’s Legal Risk Both Internally and Externally”. The researcher had the opportunity to attend the conference and break out session that was presented by two attorneys, Julie Veit and Molly Kaban of Hanson Bridgett LLP. The breakout session was held on June 24, 2014 from 11:00 a.m.-12:15 p.m. At the conclusion of the presentation the researcher had an opportunity to conduct a brief personal interview with Julie Veit, Deputy City Attorney for the City of San Francisco. The personal

interview was conducted on June 24, 2014 at approximately 12:20 p.m. in a conference room at The Resort at Squaw Creek. The following questions were posed during the interview:

1. Does a public agency have the ability to monitor an employee's social media activity that occurs outside the workplace?
2. Does a public agency have the ability to restrict employees from posting work related information on social media sites?
3. What are the key elements of a policy that protects an organization yet does not infringe upon an employee's freedom of speech?

An online questionnaire was created through SurveyMonkey.com to determine common industry practices and procedures pertaining to fire service employee use of social media. The researcher sought participants to answer the questionnaire via email by utilizing existing contacts comprised of fire service colleagues from the National Fire Academy, local and state fire service associations and surrounding local agencies. The questionnaire provided data to answer questions one and two of the research project, "What policies or procedures to regulate the use of social media are being utilized by other fire departments or other public safety agencies?", "How do other public safety agencies monitor employee use of social media?" .

Noted limitations to the research are that responding to the questionnaire request was totally voluntary; the questionnaire was sent to twenty three participants in an attempt to avoid soliciting responses from more than one individual at any one organization, this provided a very small sample size. Additional limitations are that questions may be misunderstood or misinterpreted, respondents may be answering questions without factual information and the results are completely dependent on the quality of the data provided by those that responded to the request.

Further limitations may be that some participants are unaware of disciplinary issues that occurred at their agency as personnel issues are typically confidential, other participants may have felt reluctant to truthfully answer questions regarding a topic that may reflect poorly on their agency.

The procedures used for this research project supplied information that helped to answer the three research questions and the purpose statement. The procedures supplied adequate information to address the problem statement, as a policy has yet to be created, adopted and implemented the problem still remains unresolved today. The researcher believes that he has compiled enough information to address the problem, a meeting between the labor group and management is scheduled to discuss the process that will be utilized to create and review the policy prior to adoption. The procedures utilized adequately fulfilled the intent of the research and provided the necessary information.

## Results

The literature review provided a voluminous amount of information regarding social media for both public and private organizations. The researcher was fascinated with the variety of information and the number of issues both positive and negative that have come with the use of social media. The use of social media is prevalent in our society and will only continue to increase. The literature review provided the researcher with a better understanding of the legal aspects involved in employee use of social media and the realization that current laws that were created in a different era do not always apply well to the technology in place today. The questionnaire provided feedback of great value and caused the researcher to conclude that a policy will not address the issue unless it is coupled with education and training.

**Research Question One:** What policies or procedures to regulate the use of social media are being utilized by other fire departments or public safety agencies? The results of question one was obtained from a combination of literature review, the questionnaire and an interview.

**Research Question Two:** How do other public safety agencies monitor employee use of social media? The results of question two were obtained from the questionnaire and an interview.

**Research Question Three:** What are the elements of a policy that provides protection to the Chino Valley Fire District without infringing on employees' freedom of speech? The results of question three were obtained from literature review and personal interview. San Francisco Deputy City Attorney Julie Veit provided the following during her presentation at the CSDA General Manager Leadership Summit "If an employee posts work related information there must be a correlation to public purpose in order for the employee to be protected. Employees' freedom of speech rights are limited when they are representing their employer." (Veit, 2014)

An online questionnaire that was created on SurveyMonkey.com was comprised of seven questions. The questionnaire asked questions focused around the use of social media to determine if the organization itself utilized social media, if the organization has experienced any negative issues with employee use of social media, if the organization has disciplined employees over the use of social media, if the organization has a specific policy that addresses the use of social media, how the policy was created, if the policy applies to on duty or off duty social media use, and the frequency that employee social media use is monitored. A copy of the questionnaire is included as Appendix C and the results of the questionnaire are included as Appendix D.

An email explaining the purpose of the project and the request to complete the questionnaire was sent to twenty-three individual email addresses. Of the twenty-three people

that the email request was sent to a total of eleven completed surveys were received via SurveyMonkey.

The first question focused on use of social media by the organization. The results of the questionnaire demonstrated that 63.64% of respondents work for an organization that actively utilizes social media to interact with the community. 36.36% of respondents work for an organization that does not actively utilize social media to interact with the community. The results of the questionnaire conflict with what was found during the literature review which indicated that the majority of fire departments and public agencies are interacting with the community via the use of social media. The conflicting results are likely due to a limited number of respondents which in turn do not fairly represent a large cross section of fire agencies in the United States. The literature review provided information that led the researcher to believe that most organizations were reluctant to engage in social media use years ago but that perspective has shifted and now most fire service organizations engage in the dissemination of information to the public via social media in some capacity.

The second question focused on determining if the fire service organization had experienced any negative issues as the result of social media use by its' personnel. The results of the questionnaire revealed that 36.36% of the organizations represented in the questionnaire had experienced negative issues with the use of social media by personnel. 18.18% of respondents indicated that their organization had not experienced negative issues with the use social media by their personnel. 45.45% of respondents indicated that they were "not sure" if their organization had experienced any negative issues with the use of social media by their personnel. The results of the questionnaire conflict with what was found in the literature review which was that most fire service organization had experience a negative issue or issues resulting from the use of social

media by personnel. The discrepancy between the literature review and the questionnaire is likely due to the small sample size which does not adequately reflect a cross section of fire departments. Additionally, the discrepancy between the results of the questionnaire and the literature review may be due to 45.45% of respondents that indicated “not sure” if their organization had any negative issues with social media use by personnel. Negative issues with social media may lead to disciplinary action which is typically addressed in a confidential manner; the confidentiality surrounding disciplinary procedures could explain why the respondents were unaware of negative issues with the use social media by personnel and correspondingly responded “not sure” to the question.

The third question focused on determining if any personnel had been disciplined due to social media activity. 45.45% of respondents reported that employees of their organization had been disciplined over issues with social media, 18.18% of respondents reported that no employees had been disciplined. 27.27% of respondents indicated that they were “not sure” if employees of their organization had been disciplined over issues with social media while the remaining 9.09% of respondents indicated that the question as “not applicable” as their organization has not experienced any negative issues with employee use of social media. The literature review and questionnaire demonstrated that most organizations have employees that have been disciplined over their use of social media. The results of the questionnaire support the findings of the literature review, especially when consideration is given to the confidentiality involving employee discipline.

The fourth question focused on determining if the organization has a policy that specifically addressed the use of social media by employees. 81.82% of respondents reported that their organization has a policy in place to address the use of social media, 9.09% of

respondents reported that their organization does not have a policy. The remaining 9.09% of respondents reported that they were “not sure” if their organization has a policy in place.

Literature review and the results of the questionnaire demonstrated that the vast majority of organizations have addressed social media use by employees with a written policy. Cal Fire has a policy in place that seems to provide clear, concise direction to personnel; it is attached as Appendix A. The Derry Fire Department address employee social media activity through an existing policy, it is included as Appendix B. The literature review revealed that some fire service organizations address social media use by employees through other preexisting policies that dictate acceptable behavior for personnel.

The fifth question focused on how the policy on social media was created. 27.27% of respondents reported that the policy was created in a joint effort between labor and management. 27.27% of respondents indicated that management developed the policy. 9.09% of respondents indicated that legal counsel developed the policy. 18.18% of respondents indicated that they were “not sure” how the policy was developed. 9.09% of respondents indicated the policy was developed in a manner that was not represented by the questionnaire and the remaining 9.09% indicated that their organization does not have a policy for social media use. The literature review indicates similar findings as policies are created in a variety of different manners at different organizations.

The sixth question focused on determining the scope of the social media policy. 18.18% of respondents reported that their policy only addresses on duty social media activity. 45.45% of respondents indicated that their policy addresses both on duty and off duty social media activity. 9.09% of respondents indicated that their policy only addresses off duty social media activity. 18.18% of respondents indicated that they were “not sure” how their policy is applied. 9.09% of

respondents indicated that their organization does not have a policy. The literature review suggests that most fire service organizations have policies that apply to all social media activity by employees regardless of their duty status. The literature review also supports that this is the most challenging area of concerns when attempting to address employee social media use as it is very difficult to completely separate an employee's professional life from their personal life. Policies that address both on duty and off duty behavior with specific examples seem to provide the most guidance.

The seventh and final question focused on determining how employee social media use is monitored. The results of the questionnaire indicated that 54.54% of respondents work for organizations that routinely monitor employee social media activity. 27.27% of respondents work for an organization that only monitors employee social media activity in response to a complaint. 9.09% of respondents were "not sure" how their organization monitored employee social media activity. The remaining 9.09% indicated that their organization does not have a social media policy in place. The literature review indicated that most organizations are reactive in their monitoring of social media use by employees and only monitor employee social media use only when a complaint is made. The conflicting data is likely attributed to the small sample size of the survey which does not accurately reflect a cross section of the fire service. An additional possible explanation of the conflicting results is that organizations are becoming more proactive in their monitoring of employee social media activity but this change has yet to be reflected in available literature.

The researcher concluded that a policy can be created that addresses employee freedom of speech concerns while protecting the organization. In order to function as desired and be understood and accepted the policy must be created in a manner that allows for input from the



labor groups involved. Additionally, the research believes that the best written policies are essentially useless unless they are coupled with an employee educational component. It is difficult to clearly define where the line between personal life and professional life begins and ends, providing employees with a better understanding of the impact of their actions along with a comprehensive policy is the best possible solution. As the researcher believes that most employees want to do a good job and desire to be viewed in a positive light they then must be provided with the perspective of what may occur due to their actions. As social media continues to evolve and become more prevalent policies and procedures must be updated to address change.

### Discussion

The information gathered during research has provided the researcher with a far broader perspective on the scope and power of social media. It is clear to the researcher that there are tremendous liabilities involved with the use of social media but the positive benefits outweigh the negative aspects. (Pindoriya, 2014) Based on the information obtained through the research process the researcher believes that with agency specific policies and education of employees the fire service can embrace the use of social media with an understanding that issues will occur. (Using social media in fire and ems, 2013)

Research provided strategies to minimize the risks associated with social media use while maximizing the potential benefits. The literature review along with a question and answer session during a presentation on social media by attorneys convinced the author that the line between personal and professional life is extremely narrow at best. The researcher believes that there is no practical way to eliminate all employee access to and use of social media

during working hours but there are practical approaches to manage it. According to Veit, (Veit, 2014) the organizations that experience the least number of issues with social media are the most proactive in policy design and have clear, well known expectations of their employees.

The researcher feels that the true challenge with this topic lies in the separation of an employees' professional life and their personal life. In a webinar, Attorney Jesse Maddox used the term "nexus" multiple times in describing a link between the relationship between the personal and professional lives of employees. (Maddox, 2014) The underlying message to employers is that employees do have fairly broad rights and there must be a clearly demonstrated nexus with the employment and their social media behavior in order for an employer to be justified in taking disciplinary action against them. In order for an employee to be protected the speech must be of public concern and involve things like corruption of public officials, impact on the effectiveness of the agency and competence of staff that affects the public. Areas that would not be of concern and not be protected would be things like individual personnel disputes, passing reference to government function and gripes over interpersonal relations. (Brown & Tiedemann, 2013)

The literature review provided an understanding that there are a variety of differences between private employers and public service agencies. Some private employers have very broad and liberal expectations of their employees non-work behavior while other have very strict standards, this could be said of the fire service as well, expectations can be dramatically different between agencies. The significant differences are in how each organization addresses negative employee conduct; the private sector has far fewer laws and processes that must be addressed versus a public agency. In order for a fire department to discipline an

employee and have the discipline upheld a very specific process must occur; that is not always the case in the private sector. Additionally, fire departments like private organizations still must consider an employee's First Amendment Rights. (DeCrane, Social media policies protect fire departments, 2010).

The researcher believes that in order to address the use of social media the implementation of practical policies, employee training and education can provide a foundation where the personal and professional lives of employees can peacefully coexist. The researcher also feels that despite policies and best practices there will be instances where employees act in an inappropriate or unprofessional manner, in these situations it will be important that the individuals involved are disciplined in an appropriate manner.

### Recommendations

The purpose of this applied research project was to determine what social media policies and procedures are being used by other fire departments, how other fire departments monitor their employees' use of social media and what are the elements of a policy that can protect the CVFD without infringing on employees' freedom of speech. During the research process the author reviewed trends in social media, legal implications of social media policies, employee disciplinary practices and procedures, interpretation of the First Amendment as it pertains to public employees, numerous articles regarding poor employee conduct in regards to social media and the impact of social media on our society as a whole. Based on the learning that has taken place during the research process the author believes that the following three recommendations should be made to the CVFD:

1. Establish a Social Media Policy Committee.

2. Task the committee with creating a policy that protects the CVFD and the employee's freedom of speech rights.
3. Task the committee with developing and delivering education and training to personnel on this topic.

The first recommendation is that a working Social Media Policy Committee be established to address the challenge of creating a policy that addresses employee use of social media. The committee should include personnel that represent a broad cross-section of employees throughout the organization so that all perspectives are accounted for. The committee should have representatives from the labor groups and also from management.

The second recommendation is that the committee be tasked with developing a policy that protects the CVFD without negatively impacting employees' freedom of speech rights. The committee should gather social media policies from other fire departments and public safety agencies, the policies should be distributed to committee members and reviewed. Each committee member can reference the policies of other organizations when they are developing a policy for CVFD. The policy must be in accordance with all federal, state and local laws. Additionally the policy must be written in a manner that all personnel are able to understand and interpret. Critical components of the policy will include delineating between employees professional life and their personal life, behaviors or practices that are specifically allowed and specifically prohibited, a clear explanation of how the CVFD will monitor employees' social media behavior and how the policy will be enforced.

The third recommendation is that the committee be tasked with developing and delivering an educational training component that would accompany the policy. The purpose of the

educational training component is to provide employees with a better understanding of the newly created policy, laws and legal protection afforded to public employees and a broader perspective of the potential impact of their behavior in regards to their social media interaction.

The author firmly believes that social media is well established in our society and is an excellent tool for the organization and our employees to share information and express themselves to a broad audience without geographical borders. The best interests of employees and the organization can be met when all involved address issues in an open, collaborative manner. The CVFD should encourage personnel to utilize social media in an appropriate manner as it promotes a positive image of employees and the organization. Employees should be educated on the laws, policies, procedures and the impact of their actions with social media as the best possible outcomes occur with the open sharing of information.

Social media is part of our everyday lives; the amount of social media activity will continue to increase exponentially along with changes in technology. Not having a policy in place to address employee and organizational use of social media is irresponsible and inexcusable; it will lead to poor outcomes for employees and the organization itself. The public deservedly expects a lot from the fire service, we should not disappoint them due to fear or inaction. The CVFD must accept, embrace and encourage employees to use social media in a manner that reflects well on all involved, this can be accomplished by instituting the recommendations above, and by consistently and fairly monitoring and addressing employee social media behavior.

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## Appendix A

**SOCIAL MEDIA 0691**

(No. 34 March 2012)

**INTRODUCTION 0691.1**

(No. 34 March 2012)

Social media is increasingly being used by public agencies to communicate with the public. While this form of communication is relatively new, the demand for information through social media has increased. The purpose of this policy is to set forth guidelines for authorized employees of CAL FIRE who engage and communicate with the public in an official capacity through the use of social media websites on behalf of the Department. Any authorized employee of CAL FIRE participating in social media sites, forums, blogs, wikis, websites or emerging social communication technologies, during authorized and designated work hours, shall be expected to adhere to these guidelines when posting CAL FIRE related information. Uses of such emerging communication technologies include, but are not limited to: Facebook, MySpace, Twitter, Google, LinkedIn, YouTube, Flickr, etc. CAL FIRE does not authorize the use of state resources to access unauthorized websites, online social networks, or open source applications without the prior permission by the Executive Office.

**APPROVAL PROCESS 0691.2**

(No. 34 March 2012)

Official use of social media sites on behalf of the Department must be authorized by the Communications Deputy Director and coordinated with the Department's Communication Office. Only designated employees authorized by their Supervisor and the Communications Deputy Director may use or post approved information on social media sites. This approval can be revoked by the Communications Deputy Director at any time for inappropriate posts or violations to this policy. To request authorization to post to approved social media sites, an employee shall complete a **CAL FIRE-320: Authorization For Use of Social Media Form** and submit requests to the CAL FIRE Communications Office. The Communications Deputy Director will consult with the appropriate Unit Chief or Program Manager, as well as the Region Chief and Executive Office prior to approval. Once authorized, an employee may post on approved social media sites: the department's name, logo, contact information, as well as department information, incident information, educational campaign messages, and events that have been approved for release. Authorized employees must adhere to the guidelines and restrictions laid out in Handbook 0600, Section 0691, and applicable rules and department policies.

**GUIDELINES FOR USE OF SOCIAL MEDIA 0691.3**

(No. 34 March 2012)

Authorized employees participating in social media on behalf of CAL FIRE are to use the following acceptable guidelines when posting approved content on the Department's social media sites:

- Post only approved updates, information and events.



## Appendix A

- Content must be approved by the Incident Commander, Unit Chief, Program Manager or Communications Office.
- Posts should be timely, accurate and professional.
- Ensure permission has been granted to publish any photos, images, logos or videos and provide proper credit for any materials not produced or owned by the Department.
- Posts should be relevant to the public or media.
- Use the CAL FIRE Style Guide for proper punctuation and terminology.
- If corrections or clarifications are needed, keep the response appropriate, polite and respectful.

### Examples of Approved Posts

- News release headlines
- Event information
- Incident information
- Fire prevention or life safety messages

### Incident Posting Template

It's important that the public see consistency on Department approved social media sites. While the type of incident, location and specifics may change, the format should not. Establish a template and guideline for the different types of postings including incidents, events and news releases. The criteria may depend on incident type, PIO staffing or time of day. Example:

**Template:** Firefighters are battling a X acre fire at insert exact location in insert city or geographical location (insert county name County).

**Example:** Firefighters are battling a 25 acre fire at San Geronio Ave & Old Idyllwild Rd in Banning (Riverside County).

### Wildfire Incident Posting

The CAL FIRE Website remains the main source and distribution point of wildfire information for fires burning in State Responsibly Areas. Unit approved social media sites can post information and pictures, but must first ensure coordination with the Communications Office. Posts on social media sites should provide links back to the incident's webpage on the CAL FIRE website.

### Official Accounts

When using social media sites to conduct official Department business, use only official Department approved accounts. An approved account must include the CAL FIRE logo or if the account is for a local fire department (Schedule A), a dual logo. Official accounts may be authorized for Units or Schedule A fire departments for posting of incidents, information and events, but official accounts are not meant for individuals. For example: an account for the San Diego Unit or CAL FIRE / Riverside County Fire Department are appropriate, while an account for Fire Captain John Smith is not.

## Appendix A

**Accurate Information**

It is imperative that all information released on behalf of the Department is accurate. Confirm all content being posted such as the acreage, percent of containment, evacuation details or other incident information. Any posts on social media sites are immediately visible to the public. If an error is made while posting, quickly correct it, modify the earlier post, and make it clear that it has been updated. Proofread all information and content prior to posting. While social media is based on timeliness, spelling and grammar errors reflect poorly on the Department. Having a second person proof read the content will help ensure postings are accurate.

**Use Simple Language**

Avoid using abbreviations, codes or fire service jargon that may be unfamiliar to the general public. Even though many social media sites do not allow room for much content, try to limit the use of technical language.

**CONTENT NEEDING PRIOR APPROVAL 0691.3.1**

(No. 34 March 2012)

There are times when notification or coordination between Legal, Fire Prevention, the Executive Office, Natural Resource Agency or even the Governor's Office is required prior to the release of certain information. These are sensitive or high profile issues that require review prior to release. Below are some examples:

- Major incident fire investigations
- Major incident fire cause releases
- Significant law enforcement issues
- State budget
- Legal issues
- Department policy
- Employee injuries (serious) / fatalities
- Staffing levels
- Significant arrests
- Significant arson activity

For these sensitive issues, once the information is approved at the Unit level, they need to be routed through the Region Information Officer and/or Department Information Officer for approval.

**RESTRICTIONS 0691.4**

(No. 34 March 2012)

All authorized CAL FIRE employees are held accountable for work related content and information they post on CAL FIRE social media sites. When you are representing the Department in an official capacity, the Department is responsible for the content you publish on social media sites. The following is a guideline of inappropriate and unacceptable material or behaviors on social media sites for all authorized CAL FIRE employees that include, but are not limited to: **Inappropriate information or materials.**

## Appendix A

In order to comply with local, state, and federal laws and to protect the Department and its employees from litigation, the following types of information and material should not be posted through social media, whether associated directly or indirectly with the Department:

- a. Material that would constitute harassment, hate speech, plagiarism, defamation or libel. Or material that could be considered obscene, profane, abusive, threatening or embarrassing to another person or entity. For instance, it is inappropriate to post threatening statements against a coworker.
- b. Material that would violate copyright, trademark, fair use, financial disclosure, or other laws.
- c. Material that would violate individual privacy or patient privacy laws. For instance, it is inappropriate to post someone's private medical information.
- d. Material that constitutes personal, sensitive or confidential information about or related to any individual's use of the Department's services, even if this information becomes a public record. For instance, it is inappropriate to post audio recordings of emergency calls to the Department, for the purpose of entertainment.
- e. Material that involves current or potential litigation. For instance, it is unacceptable to release information from a fire origin and cause report without permission from the Legal Office and the Communications Office.
- f. Material that is confidential information, proprietary information, state government intellectual property, personal identifiable information or other announcements deemed inappropriate for uncoordinated public exchange.
- g. Material that constitutes confidential, proprietary, or non-public information learned of or obtained solely through the employee's position at CAL FIRE.
- h. Material that is pornographic.
- i. Material that damages the public's trust or otherwise interferes with the Department's ability to fulfill its mission.
- j. Material that otherwise does not comply with departmental conduct, ethics and behavior expectations.
- k. Material that is not clearly related to the mission of the Department and/or that may be perceived as personal non-work related information.
- l. Material that is negative towards the Department, its employees, other departments and/or its vendors.

### **No Opinions**

When using approved social media accounts, refrain from posting comments or opinions about controversial issues, personal matters and other non-department material. Always keep in mind that you are representing the department and everything that is posted is a direct representation of the whole department

## Appendix A

**No Endorsements**

Do not make any endorsements or recommendations for products, businesses, individuals, political parties, or candidates. Mentions of certain non-profit organizations may be allowed if the organization is a Department cooperator and the post has been approved by the Communications Office.

**Don't Post Inappropriate Pictures or Videos**

Caution should be used when posting pictures and/or videos you post on social media sites. Do not post media that may show uniformed or on-duty employees in inappropriate or questionable situations. Use discretion when posting images of accident scenes, camp crews, personnel, etc. Obtain appropriate permissions to avoid violation of any privacy rules. When in doubt, contact the Communications Office for clarification.

**CAL FIRE EMPLOYEE RESPONSIBILITIES 0691.5**

(No. 34 March 2012)

Use of the Internet is a work-related privilege, not a right. This privilege may be revoked at any time. The employees, as representatives of CAL FIRE, have the responsibility of presenting a professional image in their interactions on the Internet or on social media sites. Employees must adhere to this policy. Inappropriate use of the Internet or on social media sites by a CAL FIRE employee may result in disciplinary action, including adverse action or criminal prosecution. See the CAL FIRE [Internet Code of Conduct](#), and the Computer Acceptable Use Policy in the Information Technology Services [Handbook 0900, Section 0910](#). Consistent with CAL FIRE policy on Electronic Communications, personal use of department resources to access social media sites for non-department related reasons is forbidden. Authorized employees must ensure that access to social media sites does not interfere with the performance of his/her assigned duties or compromise the mission of the department. Know and follow Department Policy – The expectations set forth in these policies are intended to be read and understood.

**Employee Conduct Policy (HB 1400):** Employees and contractors of CAL FIRE shall adhere to a standard of conduct that ensures respectful treatment of everyone they come in contact with during the course of their employment and work related activities. The Department does not tolerate unprofessional, disrespectful behavior from its employees and contractors at any time, for any reason.

**Computing Acceptable Use Policy (HB 0910):** This policy guides CAL FIRE employees and partners in the acceptable use of CAL FIRE computer systems, networks, and other information technology resources. In social media, the lines between public and private, personal and professional are blurred. Personal social media sites shall not be accessed on-duty or with department resources. Employees with personal social media accounts should be cautious of the public perceptions about the Department purely based on an employee identifying their employment with the

## Appendix A

Department. Employees should ensure that content posted on personal social media sites is consistent with the Department's Code of Conduct.

### **SUBMITTING INFORMATION 0691.6**

(No. 34 March 2012)


The Communications Office welcomes photos and informational post ideas. Submit requests to the Communications Office, the Region PIO or through your Unit PIO.

The Communications Office will determine which submissions are appropriate to post, as well the best time for them to be posted.

[Handbook Table of Contents](#)

[Forms or Form Samples](#)

## Appendix B

DERRY FIRE DEPARTMENT ADMINISTRATIVE REGULATION 22- C COMMUNICATIONS		
Effective Date: November 1, 1999	Supersedes: AR-22	
Revision Dates: February 4, 2002 July 15, 2008 April 1, 2011		
Approved By: George Klauber, Fire Chief		Signature: 

Administrative Regulations are intended to guide the conduct of all members of the Derry Fire Department including uniformed and administrative personnel while on and off duty. It is expected that members of this Department will conduct themselves in a manner commensurate with the intended spirit of a professional public safety organization.

Should any part of these regulations conflict with the Town of Derry's Administrative Regulations (ARs), the Town's ARs shall supersede and take preference.

Should any part of these regulations conflict with a provision of the collective bargaining agreement (CBA) with the United Professional Firefighters of Derry, the terms of the CBA shall prevail.

Any violations of this or any other Derry Fire Department Administrative Regulation, Standard Operating Guideline (SOG), Written Order or Directive from the Fire Chief, a Battalion Chief, Director, Captain or Lieutenant, or violations of the CBA may be subject to the disciplinary process.

#### **COMMUNICATIONS – GENERAL GUIDELINE**

While on duty, or when representing the Derry Fire Department, members shall not engage in any speech, writing or expression that:

1. is defamatory, obscene, slanderous or unlawful; and/or
2. tends to interfere with the maintenance of proper discipline; and/or
3. tends to impair the operation of the department by interfering with its efficiency, interfering with the ability of supervisors to maintain discipline, or having been made with reckless disregard for truth.

Any written, auditory and/or visual messages communicated by a member that are produced on or communicated through the Town of Derry or the Derry Fire Department communication or information technology systems are the sole property of the Derry Fire Department. This includes, but is not limited to, any written, auditory, and/or visual messages communicated via or on Department resources. Further, members are reminded of the Town's Administrative Regulation # 16 -Electronic Resources Acceptable Use Policy.

## Appendix B

**Reporting** - Each member shall report communications that they receive relative to their duties and responsibilities to a higher command when necessary or required.

**Awareness of Activities** - Each member is responsible for viewing the Department read file which is located on the Department's Intranet. The read file contains important Department information regarding new orders, regulations and memorandums.

**Filing Reports** - Each member shall promptly and accurately complete all reports and forms as required.

**Give Identification** - Each member shall give their name, rank, position and similar information in a civil manner to any person who may inquire, except where the physical safety of the member or public is threatened.

**Testify at Investigations** - Each member shall testify to, or state the facts as known and appear before any judicial, departmental or other investigative hearing, trial or proceeding, and in all other ways cooperate fully during such proceedings.

**Report Injuries** - Each member shall immediately notify their supervisor of any injury sustained. The injured member shall complete all necessary injury reports and insurance forms within 24 hours. In the event the injured member is incapable of doing so, the member's Battalion Chief or Director will assist with the completion of these reports and forms.

Supervisors shall complete all Accident/Injury Reports by the end of the injured person's work shift or as soon as notified, but in no way shall it be later than within 5 days of the incident.

**Claims for Damage** - Any claims for damages caused by the performance of duty shall be made in accordance with Department directives. Members shall not seek, nor accept from any person, compensation or money for damages sustained while on duty without first notifying the Fire Chief in writing.

Members who have received Workers' Compensation for injuries sustained on duty shall notify the Fire Chief in writing of any attempt to seek, sue, solicit or accept compensation as damages for such injury. The notice shall be given before action is taken. It shall include the facts of the claim and the name of the respondent.

**Change of Address** - Each member shall notify the Administrative Support staff of any change in address or telephone number within five days of the change.

**Change of Drivers License** - Each member shall notify the Administrative Support staff of any change in driver's license status immediately when a change occurs.

**Use of Department Stationery and Letterhead** - No member shall use the letterhead of the Town or Fire Department without authorization.

**Social Media** - This policy establishes the Department's position on the personal use of social media and provides guidelines and oversight.

**Precautions and Prohibitions** - Department personnel shall consider the following when using

Appendix B

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## social media:

- a) Department personnel are reminded that their speech and written communications, both on and off duty, shall be governed by the expectations outlined in the Department's Professional Conduct policy. Off duty social media communication may thus form the basis for discipline.
- b) Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Fire Chief or his/her designee.
- c) Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.
- d) Department personnel are cautioned not to display Department logos, uniforms, or similar identifying items on personal web pages without prior written permission.
- e) Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected. When using social media, department personnel should be mindful that their speech becomes part of the World Wide Web.
- f) Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.



## Appendix C

**1. Does your organization formally utilize social media to interact with the community?**

- ☐ Yes
- ☐ No
- ☐ Not sure

**2. Has your organization experienced any negative issues with the use of social media by personnel?**

- ☐ Yes
- ☐ No
- ☐ Not sure

**3. If your organization has experienced negative issues with personnel utilizing social media has it resulted in discipline?**

- ☐ Yes
- ☐ No
- ☐ Not sure
- ☐ Not applicable, organization has not experienced any negative issues

**4. Does your organization have a policy that specifically addresses employee use of social media?**

- ☐ Yes
- ☐ No (if your organization DOES NOT have a policy please select "**NO POLICY**" for the remaining questions)
- ☐ Not sure

**5. How was your "social media" policy developed?**

- ☐ Joint effort between labor and management
- ☐ Labor developed it
- ☐ Management developed it
- ☐ Legal Counsel developed it
- ☐ Not sure how it was developed

## Appendix C

Other

**NO POLICY****6. Please complete the following sentence as it pertains to your organization "Our social media policy is applicable....."**

- ☐ only to online activity that takes place "on duty"
- ☐ to online activity that takes place "on duty and off duty"
- ☐ only to online activity that takes place "off duty"
- ☐ Not sure how the policy is applied
- ☐ **NO POLICY**

**7. Please complete the following sentence as it pertains to your organization "Employee social media activity is monitored ....."**

- ☐ Routinely
- ☐ Occassionally
- ☐ Only when a complaint is made
- ☐ Never
- ☐ Not sure when employee activity is monitored
- ☐ **NO POLICY**

Thank you for taking my survey, I appreciate your assistance!

Tim

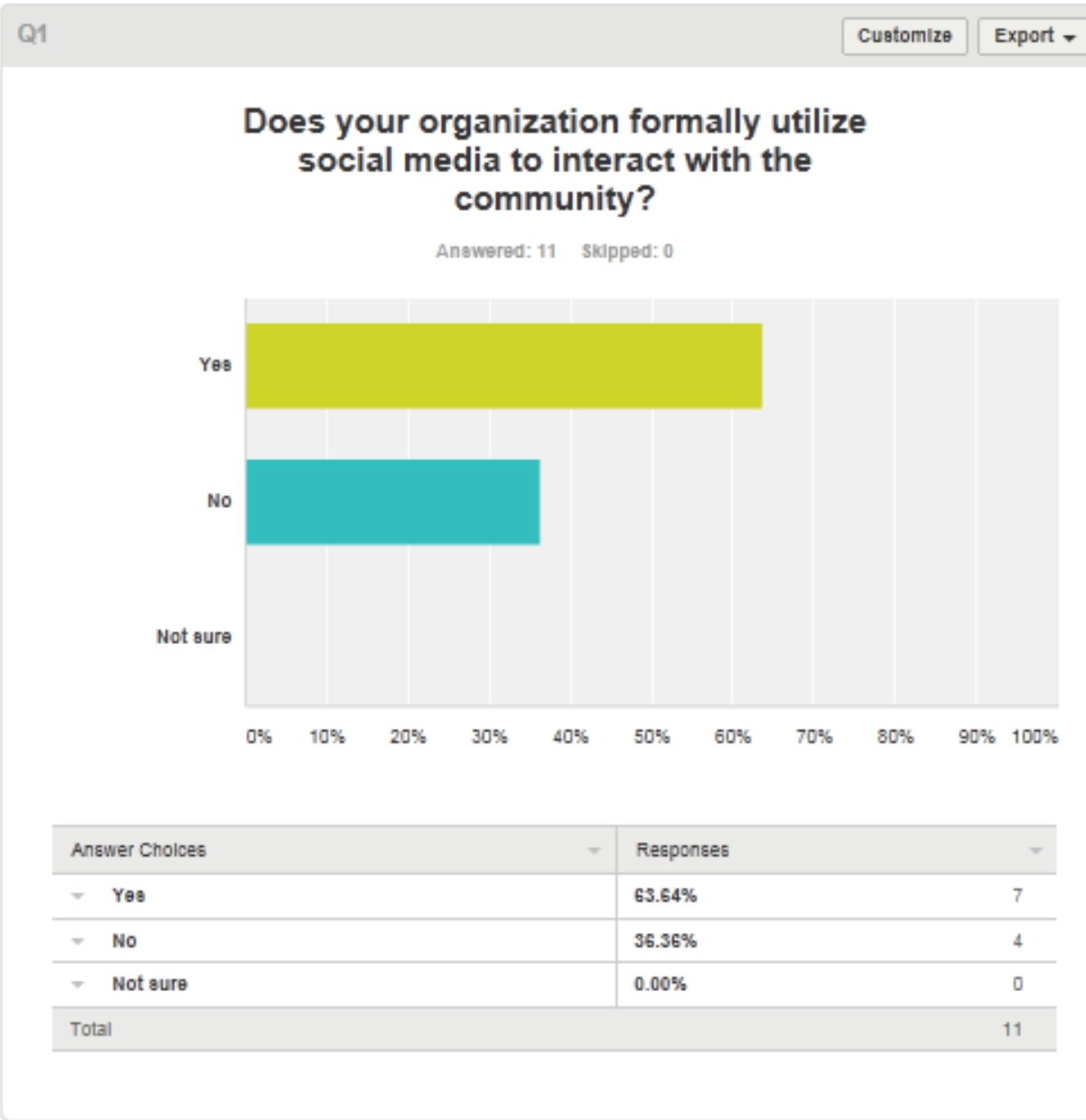
## Appendix C

## Appendix A

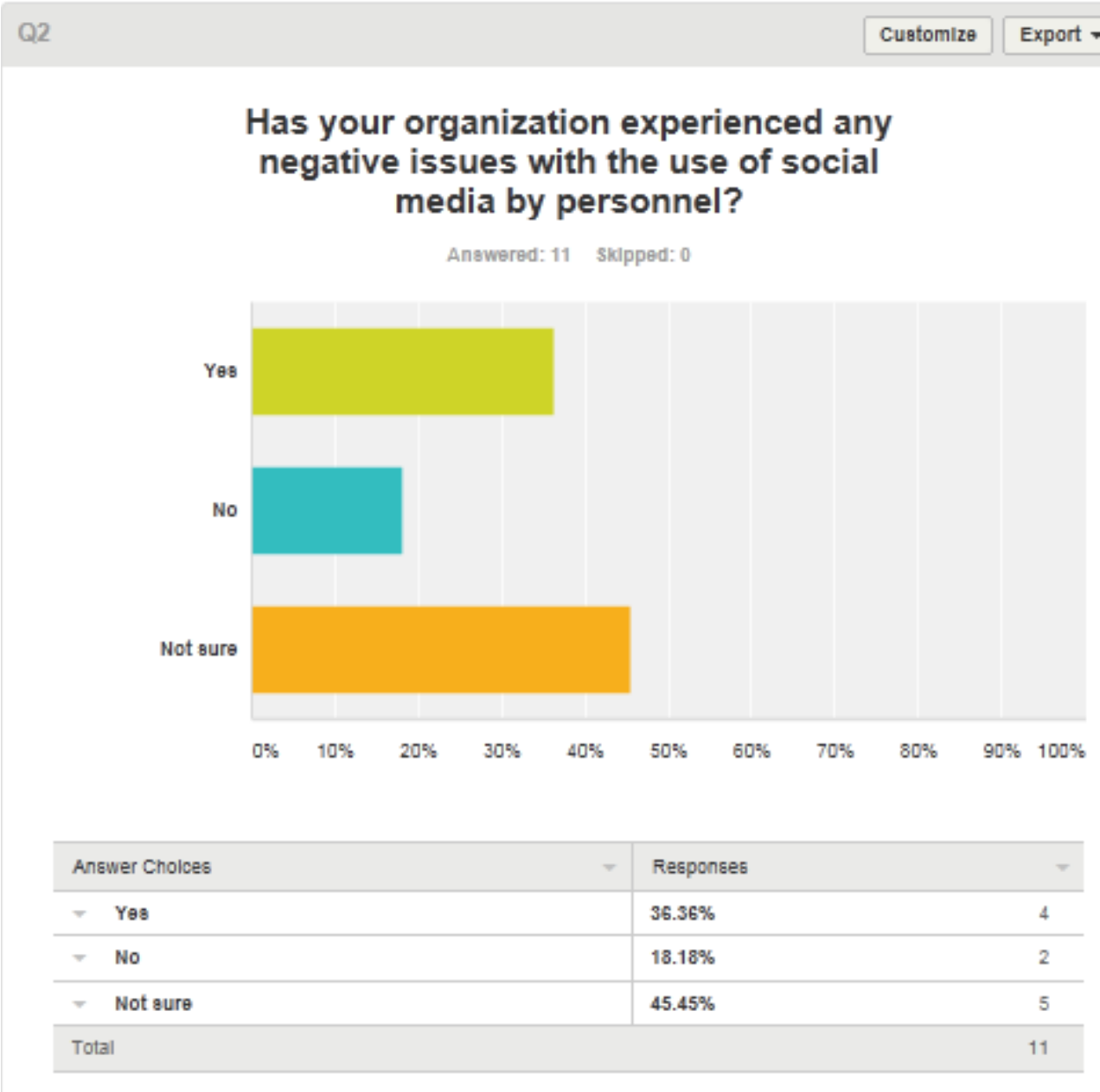
Powered by **SurveyMonkey**  
 Check out our [sample surveys](#) and create your own now!

Appendix D

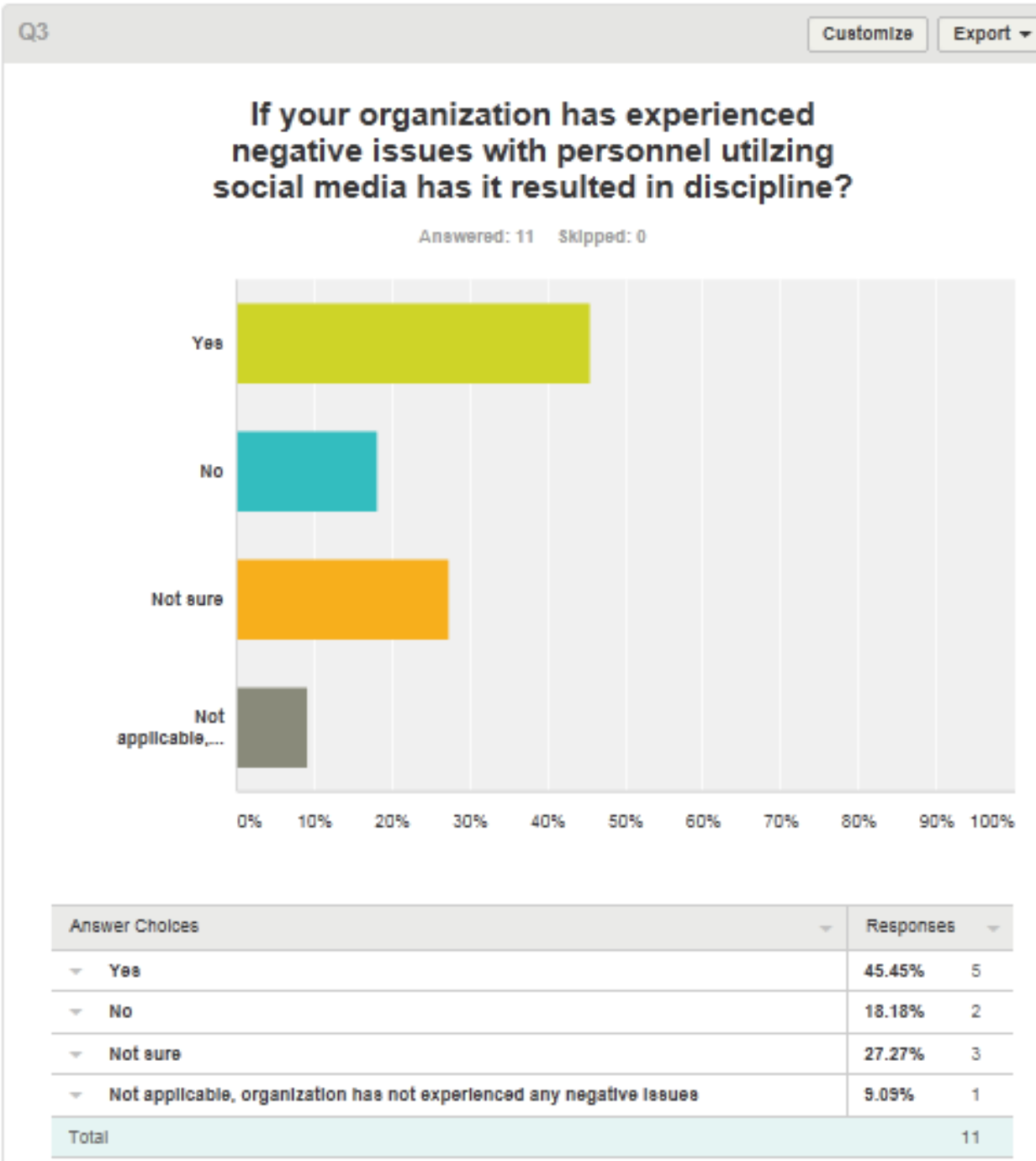
PAGE 1



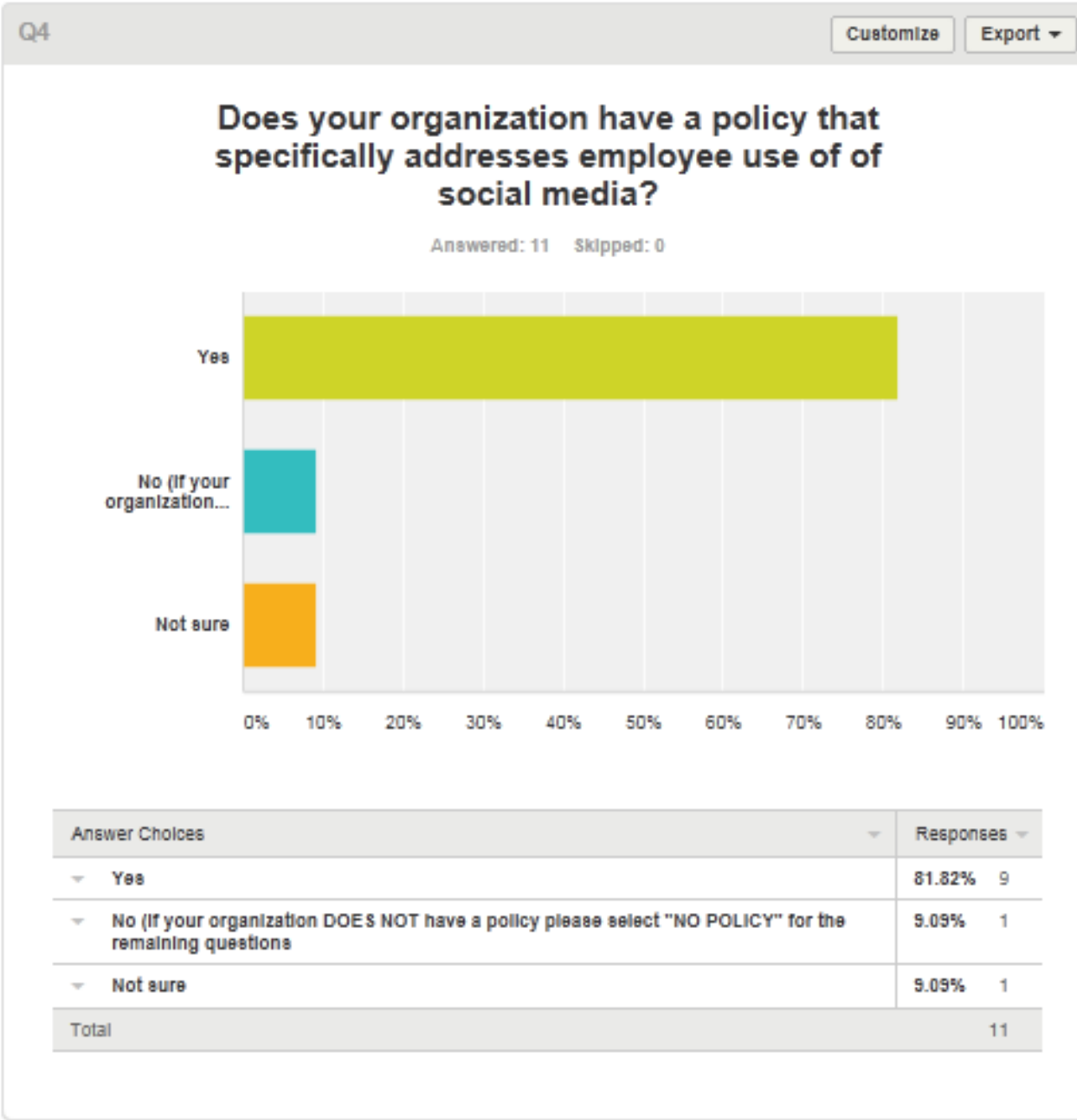
Appendix D



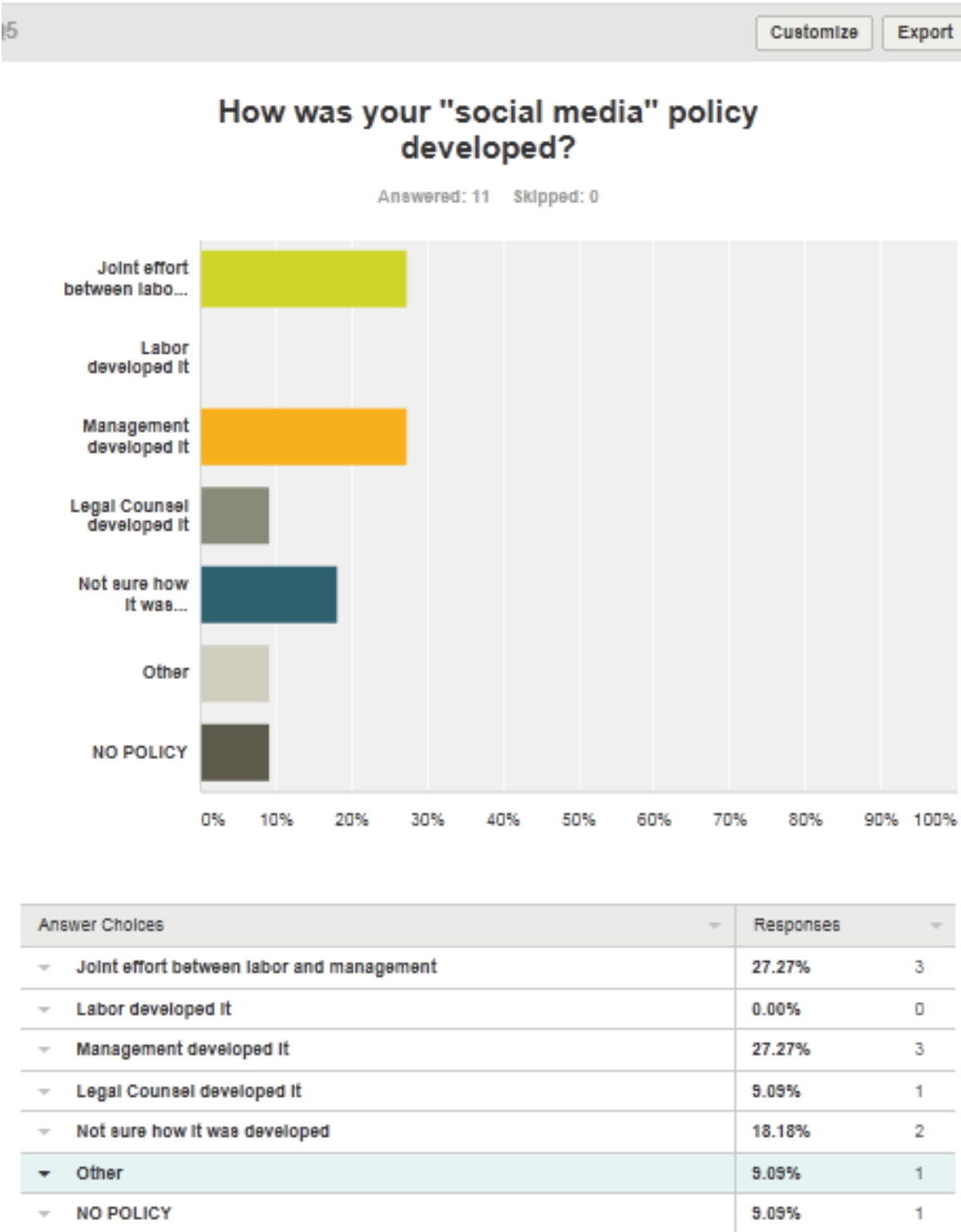
Appendix D



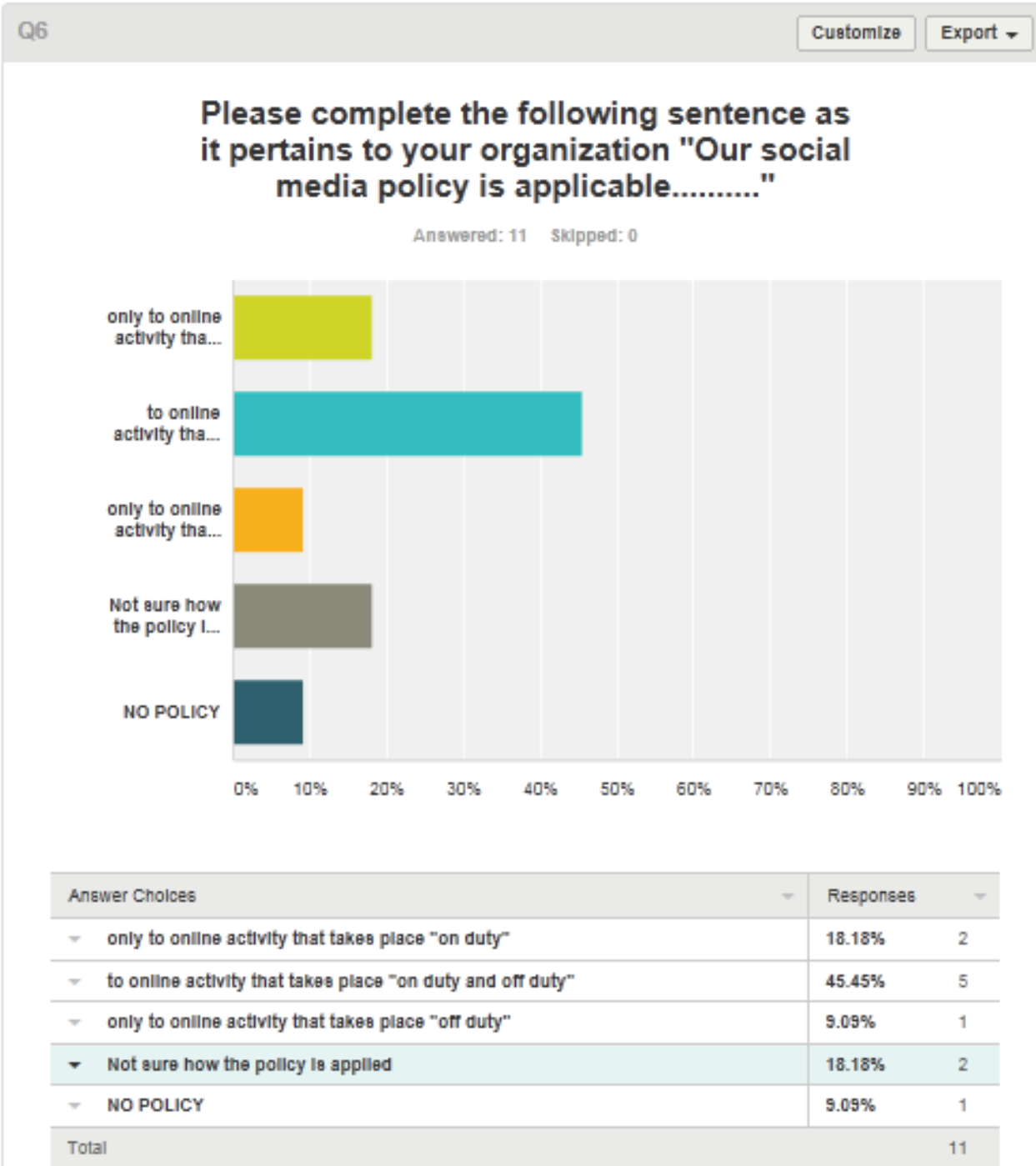
Appendix D



Appendix D



Appendix D





## Appendix D

